

REMARKS

Claims 1-24 are pending. Claims 1, 2, 7, 9, 10, 13-16, 18-21 and 24 are amended, and claims 6 and 17 are canceled. Applicants respectfully request reexamination and reconsideration of the pending claims.

Claims Rejected Under 35 U.S.C. § 112

Claim 2 stands rejected under 35 U.S.C. § 112 for insufficient antecedent basis. Claim 2 is currently amended to remedy this insufficiency. Therefore, Applicants respectfully request withdrawal of the rejection of claim 2 under 35 U.S.C. § 112.

Claims Rejected Under 35 U.S.C. § 103(a)

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Coscina (U.S. Patent No. 3,878,610) in view of Chartrand (2,426,388). Applicants respectfully traverse this rejection.

As currently amended, independent claim 1 is directed to a dental tray adapted to receive a dental impression material. The tray includes a base having two prongs, a first wall extending from one side of the base, and at least two tearable portions formed on an end of each prong. Both the base and the first wall have one or more openings to allow flowing of the dental impression material therethrough. The tearable portions are removable to shorten a length of one or both of the prongs. Independent claim 13 is directed to a system including upper and lower dental trays, each of which also includes at least two tearable portions on the ends of two prongs.

Coscina is directed to a dental impression tray with removable portions to convert the tray from a full-arch tray into an anterior impression tray. Removal of a portion of the tray is facilitated by score lines 80 on the exterior tray 10. Chartrand is directed to a metal dental tray

with a plurality of holes 10 for allowing entry of impression material. Neither Coscina nor Chartrand describes, teaches or suggests a dental tray including at least two tearable portions at the end of each of two prongs. Two or more tearable portions at the end of each prong provides for increased tray size adjustability and thus increased ease of use. The cited references do not suggest such a configuration, and it would not have been obvious to those skilled in the art to provide a dental tray with multiple tearable portions on each prong end.

Therefore, Applicants respectfully submit that even if the combination of Coscina and Chartrand suggested in the Office Action were made, the invention of independent claims 1 and 13 would not be achieved. Applicants thus request withdrawal of the rejection of claims 1 and 13, as well as claims 2-12 and 14-17, which depend variously therefrom, under 35 U.S.C. § 103(a).

Claims 18-20 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Chartrand in view of Halverson et al. (U.S. Patent No. 4,763,791). Claims 21-23 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Chartrand in view of Halverson et al. and further in view of Bublewitz et al. (U.S. Patent Application Pub. No. 2002/0156186). Claim 24 stands rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Chartrand in view of Halverson et al. and Bublewitz et al., and further in view of Jagmin (U.S. Patent No. 5,044,955).

Presently amended independent claim 18 is directed to a dental impression system that includes a dental tray comprising a radiopaque material adapted to receive a dental impression material thereon and a container to house the dental tray. The dental tray includes a base having two prongs, a wall extending from one side of the base, and at least two tearable portions formed on an end of each prong. Both the base and the wall have one or more openings to allow flowing

of the dental impression material therethrough. The tearable portions are removable to shorten a length of one or both of the prongs. Furthermore, the container and the dental tray are adapted to be scanned by a radiographic scanner.

None of the cited references, either alone or in combination, describe, teach or suggest the dental tray system of pending claim 18. Specifically, none of the references describe a system including upper and lower dental trays, each having at least two tearable portions on each end of two prongs.

Therefore, Applicants submit that even if the references were combined as suggested in the Office Action, the invention of claim 18 would not be achieved. Furthermore, none of the suggested combinations would achieve any of claims 19-24, which depend variously from independent claim 18. Thus, Applicants respectfully request withdrawal of the rejections of claims 18-24 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, Applicants believe that the specification, drawings and all claims now pending in this Application are in condition for allowance. Therefore, Applicants respectfully request a formal Notice of Allowance at an early date.

If for any reason the Examiner believes that a telephone conference would expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 408-789-1522.

Please charge any required fees to Deposit Account No.: 50-1399.

Respectfully submitted,




Scott M. Smith MD, JD
Reg. No. 48,268

Dated: May 16, 2005

Align Technology, Inc.
881 Martin Avenue
Santa Clara, CA 95050
Tel: (408) 470-1243
Fax: (408) 470-1024
SMS:ccf

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Mail Stop: AF, P.O. Box 1450, Alexandria, VA 22313-1450

On May 16 2005

By: 
Clare C. Finney
ALIGN TECHNOLOGY, INC.